

Message Text

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ACTION ARA-10

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PA-01 RSC-01 PRS-01 SP-02 AID-05 PC-01 SIL-01 LAB-04

HEW-02 /057 W

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FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC IMMEDIATE 7693

USMISSION GENEVA IMMEDIATE

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GENEVA FOR USDEL TO HUMAN RIGHT COMMISSION

E.O.11652: GDS

TAGS: PFOR, PINT, PORG, BR

SUBJECT: HUMAN RIGHTS REPORTING

REF: A. STATE 12320 B. STATE 14917 C. STATE 17499 D. STATE 18345

E. BRASILIA 2689 (APRIL 1974)

SUMMARY: IN GENERAL, THE HUMAN RIGHTS SITUATION IN BRAZIL HAS IMPROVED IN THE PAST YEAR, BUT SERIOUS PROBLEMS REMAIN. THE NEW (MARCH 1974) GEISEL ADMINISTRATION HAS ACHIEVED AN APPRECIABLE RELAXATION AND NORMALIZATION IN THE GENERAL POLITICAL AREA, AND HAS ALSO EASED RESTRICTIONS ON THE PRESS AND LABOR. "DEATH SQUAD" ACTIVITIES APPEAR TO HAVE, AT THE LEAST, DROPPED SHARPLY FROM THEIR HEIGHT SOME YEARS AGO. THE CORE PROBLEM OF ARBITRARY ARREST AND TORTURE SEEMS ALSO TO HAVE SHOWN SOME IMPROVEMENT, BUT ABUSES HAVE NO DOUBT CONTINUED. TOP ADMINISTRATION OFFICIALS ARE GENERALLY CONSIDERED SINCERE IN THEIR PRIVATELY DECLARED DESIRES TO GET CONTROL OF THE SECURITY APPARATUS: THE ISSUE IS WHETHER THEY WILL BE ABLE TO DO SO. IN THE MEANTIME, THE ISSUE OF HUMAN

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RIGHTS HAS NOW BEEN FULLY JOINED IN THE POLITICAL

ARENA AND IN THE PRESS. END SUMMARY:

1. BACKGROUND AND GUIDANCE MENTIONED PARA 6 REF A
AND SENATOR CRANSTON'S MATERIAL NOT RPT NOT YET
RECEIVED BY EMBASSY. IN VIEW OF REQUEST IN PARA 3
REF B, HOWEVER, THERE FOLLOWS A PRELIMINARY WRAP-UP
OF THE HUMAN RIGHTS SITUATION IN BRAZIL AS IT HAS
DEVELOPED SINCE OUR LAST OVERALL APPRAISAL ON POLITICAL
PRISONERS (REF D).

2. IN GENERAL, THE HUMAN RIGHTS SITUATION HERE IMPROVED
IN THE PAST YEAR OR SO. EVEN BEFORE THE GEISEL ADMINISTRATION
TOOK OFFICE IN MARCH 1974, IT INITIATED A DIALOGUE
WITH CHURCH LEADERS, AND REPRESENTATIVES OF
OTHER PREVIOUSLY DISAFFECTED SECTORS SUBSEQUENTLY
BEGAN TO RECEIVE THE SAME ATTENTION. UNDER THE UNOFFICIAL
RUBRIC OF "DECOMPRESSION", THE ADMINISTRATION
CONTINUED TO EMIT SIGNALS THAT IT WAS DETERMINED TO
MOVE IN AN ORDERLY, SLOW, CONTROLLED AND GRADUAL WAY
TOWARD "INSTITUTIONAL NORMALIZATION" AND "DEMOCRATIC
IMPROVEMENT". THE "CHICO" PINTO AFFAIR, IN WHICH AN
OPPOSITION CONGRESSMAN WAS INDICTED UNDER THE NATIONAL
SECURITY LAW FOR OFFENDING A FOREIGN CHIEF OF STATE
(VISITING CHILEAN PRESIDENT PINOCHET), FOUND GUILTY,
AND EVENTUALLY LOST AN APPEAL, BEGAN EARLY IN THE
NEW ADMINISTRATION AND LED SOME IN POLITICAL
CIRCLES TO REGRET THAT THE GOVERNMENT HAD MOVED AGAINST HIM AT
ALL. IT WAS WIDELY AGREED, HOWEVER, THAT THE GOVERNMENT
SHOWED RESTRAINT IN USING ORDINARY JUDICIAL
PROCEDURES AGAINST HIM INSTEAD OF HAVING RECOURSE TO
ITS FAR MORE EXPEDIENT SPECIAL POWERS (BRASILIA
2148, 2232, 7956, 8032). THE HIGH POINT OF POLITICAL
DECOMPRESSION WAS UNDOUBTEDLY THE NOVEMBER NATIONAL
CONGRESSIONAL (AND STATE LEGISLATURE) ELECTIONS,
WHICH WERE CERTAINLY THE FREEST AND CLEANEST IN THE
LAST TEN YEARS AND PERHAPS IN A PERIOD MUCH LONGER THAN
THAT. THE ELECTIONS FOLLOWED A CAMPAIGN IN WHICH
(SOME OBSERVERS NOTED WITH SURPRISE) "THE REAL ISSUES"
WERE OPENLY DEBATED, AND EVEN THE OPPOSITION PARTY
ITSELF WAS SURPRISED A THE SIZE OF ITS VOTE. THE
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GOVERNMENT REACTED CALMLY TO ITS POLITICAL DEFEAT (IT
RETAINED A COMFORTABLE MAJORITY IN BOTH HOUSES), AND
POLITICIANS AND OBSERVERS ARE LOOKING FORWARD TO THE
BEGINNING OF WORK OF THE NEW CONGRESS, WHEN THE EXECUTIVE/
LEGISLATIVE RELATIONSHIP WILL UNDERGO A SIGNIFICANT
CHANGE.

2. RE MORE SPECIFIC AREAS:

A. PRESS CENSORSHIP. THE GEISEL ADMINISTRATION
EARLY ON SIGNALLED ITS INTENTION TO EASE RESTRICTIONS
IN THIS AREA. PROGRESS WAS SLOW, PARTLY BECAUSE SOME
OF THOSE Affected (INCLUDING THE PRESIGIOUS O ESTADO
DE SAO PAULO) REFUSED TO ENTER ANY "GENTLEMEN'S AGREEMENT".
CENSORS WERE NEVERTHELESS REMOVED FROM O
ESTADO ABOUT TWO MONTHS AGO (BRASILIA 494, 493, 226, 186),
AND AT THE PRESENT TIME NO NEWSPAPERS ARE SUBJECT TO
PRIOR CENSORSHIP. THEY ARE STILL INFORMED OF WHAT
STORIES TO AVOID, HOWEVER. THE WIDELY-READ NEWSWEEKLY
VEJA, WE ARE RELIABLY INFORMED, WOULD HAVE ITS CENSORS
WITHDRAWN IF IT SO REQUESTED, BUT THE EDIITOR REFUSES
TO MAKE THE REQUEST ON GROUNDS OF PRINCIPLE.
A FEW LIMITED-CIRCULATION WEEKLIES ALSO ARE STILL
CENSORED.

B. MISTREATMENT OF INDIANS. AS NOTED IN THE ARA/BR
BRIEFING PAPER ON SENATOR CRANSTON'S SUBMISSION, THE
SPREAD OF BRAZILIAN SOCIETY INTO FRONTIER AREAS HAS
RESULTED IN A NUMBER OF INCIDENTS INVOLVING INDIANS,
SOME VERY SERIOUS. (INDEED, DEATHS HAVE SPORADICALLY
OCCURRED ON BOTH SIDES.) IN A GENERAL WAY, OF COURSE,
THE INTERNAL GROWTH OF MODERN BRAZIL, ITS EXPANSION
INTO AREAS PREVIOUSLY INHABITED EXCLUSIVELY BY
INDIANS, RESULTS IN PRESSURES ON THE INDIANS AND THEIR
CULTURE. THE INTERNATIONAL RED CROSS INVESTIGATION,
HOWEVER, FOUND NO EVIDENCE OF MASSACRE OR SIGNS OF
PHYSICAL MISTREATMENT OF INDIANS. THE ISSUE OF HOW
BEST TO PROTECT THE INDIANS' RIGHTS AND INTERESTS IN
THE FACE OF INTERNAL BRAZILIAN EXPANSION AND MODERNIZATION
IS IN FACT A DIFFICULT AND COMPLEX ONE UNDER CONSTANT AND
OPEN DEBATE HERE, AND HIGHLY KNOWLEDGEABLE
AND DEEPLY CONCERNED PEOPLE ARE DIVIDED AS TO THE
BEST SOLUTION.

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C. MURDERS BY "DEATH SQUADS." PUBLIC AND GOVERNMENT
OPINION HAS SWUNG AGAINST THESE UNOFFICIAL
POLICE ACTIONS AGAINST CRIMINAL ELEMENTS, AND WHILE
HARD INFORMATION IS VERY SCARCE IN THIS AREA, IT SEEMS
CLEAR THAT SUCH ACTIVITIES HAVE, AT THE LEAST, DROPPED
SHARPLY FROM THEIR HEIGHT SOME YEARS AGO. SERGIO
FLEURY AND OTHER NOTORIOUS PRACTICIONERS HAVE BEEN
UNDERGOING A SERIES OF TRIALS, AND THE PUBLICIZING OF
THE EXECUTION OF TWO YOUTHS BY POLICE IN RIO DE JANEIRO
STATE -- SUCH PUBLICITY BEING UNKNOWN IN RECENT YEARS --
LED TO PROMPT AND ENERGETIC ACTION INITIATED AT THE
HIGHEST LEVELS OF GOVERNMENT (BRASILIA 6677).

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C O N F I D E N T I A L SECTION 2 OF 2 BRASILIA 1078

GENEVA FOR USDEL TO HUMAN RIGHT COMMISSION

REPRESSION OF THE LABOR MOVEMENT. THE TIGHT
LID ON LABOR-UNION ACTIVITIES HAS RELAXED RECENTLY, AS
LABOR MINISTER (AND FORMER CONGRESSMAN) ARNALDO PRIETO
HAS MOVED QUIETLY TO REMOVE GOVERNMENT INTERVENTORS
FROM ABOUT A THIRD OF BRAZIL'S UNIONS OVER THE LAST
SIX MONTHS, AND HAS PLEDGED HIMSELF TO KEEP WORKING
TOWARD AN EVER-MORE-OPEN SYSTEM. SUCH LABOR PREROG-
ATIVES AS THE RIGHT TO STRIKE REMAIN IN PRACTICALLY NON-
EXISTENCE, ALTHOUGH WORKERS HAVE USED SLOWDOWNS AND OTHER
MEASURES TO EXERT PRESSURE ON EMPLOYERS.

E. REPRESSION OF POLITICAL OPPOSITION. THERE
ARE ONLY TWO LEGAL POLITICAL PARTIES IN BRAZIL.
THE LEGAL OPPOSITION HAS BY ITS OWN DECLARATION
SEEN ITS SCOPE FOR ACTION WIDEN APPRECIABLY IN
THE LAST YEAR, AND AS NOTED ABOVE IT SUBSTANTIALLY
STRENGTHENED ITS CONGRESSIONAL REPRESENTATION IN THE
NOVEMBER 1974 ELECTION. LEGAL PROVISIONS EXIST FOR
THE CREATION OF ADDITIONAL PARTIES, BUT THE ONLY EFFORT
IN THIS SENSE HAS SO FAR FAILED TO MEET THE REQUIREMENTS
(ESSENTIALLY A NUMBER OF SIGNATURES FROM A
BROAD NATIONAL DISTRIBUTION OF REGISTERED VOTERS).
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COMMUNISTS AND OTHER MEMBERS OF PROSCRIBED GROUPS ARE DEEMED SUBVERSIVES AND ARE VIGOROUSLY SOUGHT BY SECURITY SERVICES. THOSE POLITICIANS WHO WERE CASSATED AND HAD THEIR POLITICAL RIGHTS SUSPENDED OVER THREE YEARS AGO NOW THEORETICALLY ENJOY SOME POLITICAL RIGHTS, BUT LAWS REGARDING PARTY AFFILIATION AND CANDIDACY EFFECTIVELY BAR THEIR RETURN TO OFFICE. IT IS HIGHLY UNLIKELY THAT SOME (NOTABLY FORMER PRESIDENT KUBITSCHEK AND GOULART AND FORMER GOVERNOR BRIZOLA) WOULD BE PERMITTED SUBSTANTIAL PUBLIC ACTIVITY EVEN AS NON-CANDIDATES, WHILE OTHERS (E.G. ECONOMIST CELSO FURTADO AND FORMER PRESIDENT QUADROS) HAVE SPOKEN AND WRITTEN, AND THEIR MATERIAL HAS BEEN CARRIED FREELY IN THE BRAZILIAN PRESS.

ARBITRARY ARREST AND TORTURE OF POLITICAL PRISONERS. THE SITUATION HAS, IN THIS REGARD AS IN OTHERS, UNDOUBTEDLY IMPROVED OVER THE PAST YEAR. THERE CAN BE NO DOUBT, HOWEVER, THAT ABUSES HAVE CONTINUED. THE PRINCIPAL "SWEEPS" OF THE YEAR WERE THE ROUND-UP OF STUDENTS AT THE UNIVERSITY OF SAO PAULO (BRASILIA 3034) AND THE INTERROGATION OF PERSONNEL OF CEBRAP, A RESEARCH CENTER ALSO IN SAO PAULO (BRASILIA 9254). TORTURE WAS ALLEGED IN THE LATTER CASE, BUT NOT IN THE FORMER. IN ADDITION THERE WAS THE NOTORIOUS CASE OF FRED MORRIS, A U.S. CITIZEN WHO WAS HELD FOR SOME FIVE DAYS IN RECIFE AND WHO REPORTED BEING TORTURED (INCLUDING BEATINGS AND ELECTRIC SHOCK) BEFORE HIS RELEASE WAS OBTAINED. (WE ASSUME DEPT HAS COMPLETE FILES AT HAND ON WELL-KNOWN CASES OF MORRIS, PAULO STUART WRIGHT, AND ANA ROSA KUSCINSKY.)

4. IN CONGRESS AND DURING THE ELECTION CAMPAIGN, SOME OPPOSITION POLITICIANS SPOKE OUT ON THE ISSUE OF ARBITRARY ARREST AND TORTURE, AND IN LATE JANUARY 1975 REPRESENTATIVES OF A GROUP OF CONCERNED RELATIVES AND FRIENDS PRESENTED OPPOSITION LEADERS WITH A LIST OF "MISSING PERSONS" CONSIDERED TO HAVE BEEN ARRESTED DURING 1973 AND THE FIRST PART OF 1974 (BRASILIA 960). IN RESPONSE, JUSTICE MINISTER ARMANDO FLACAO ISSUED AN EVEN LONGER LIST, PRESENTING WHAT CLAIMED TO BE THE GOVERNMENT'S

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KNOWLEDGE OF THOSE LISTED (BRASILIA 1077). ARTFULLY, THE ADDITIONS ON FALCAO'S LIST WERE ALL PEOPLE WHO HAD BEEN ARRESTED AND SUBSEQUENTLY (RELATIVELY QUICKLY) RELEASED DURING THE GEISEL ADMINISTRATION, AND WERE NOT CONSIDERED

MISSING. CONVERSELY, THE DISCLAIMER OF GOVERNMENT KNOWLEDGE REGARDING SEVERAL OF THE ALLEGEDLY PREVIOUSLY ARRESTED ON THE LIST WILL FIND NO CREDULITY AMONG THE SUBJECT'S FRIENDS AND RELATIVES, OR AMONG OTHER CONCERNED. FALCAO ALSO ANNOUNCED THAT THE GOVERNMENT'S HUMAN RIGHTS COUNCIL (HERETOFORE NOT SEEN AS AN ACTIVE OR EFFECTIVE BODY) WOULD MEET NEXT MONTH. JUST WHAT EFFECT FALCAO'S EFFORTS WILL HAVE ON THE TREATMENT OF THE ISSUE OF COURSE REMAINS TO BE SEEN.

5. WHILE HIS ACTIONS' IMMEDIATE CONTEXT IS THE OPPOSITION PARTY'S DELIBERATIONS OVER HOW IT CAN OBTAIN SOME PROGRESS ON THE ISSUE WITHOUT GENERATING A REPRESSIVE BACKLASH, ITS BROADER CONTEXT GOES BACK SOME MONTHS TO THE TIME WHEN, AS PART OF THE ADMINISTRATION'S "DECOMPRESSION" DRIVE, TOP-LEVEL OFFICIALS BEGAN PRIVATELY PASSING THE WORD THAT THEY WERE DETERMINED TO BRING THE SECURITY APPARATUS UNDER CONTROL. WHILE GEISEL AND HIS TOP CONFIDANT, GENERAL GOLBERY, HAVE WIDELY BEEN CREDITED WITH SINCERITY IN THIS RESPECT (AND IN OTHERS), THE RESULTS SO FAR HAVE BEEN ONLY PARTIAL. THE ARMY COMMANDERS FOR THE IO AND RIO GRANDE DO SUL AREAS (THE FORMER ANOTHER GEISEL CONFIDANT) HAVE BEEN CONSIDERED INSTRUMENTAL IN THE "CLEAN" STATUS ACCORDED THEIR REGIONS. THE COMMANDER ASSIGNED UNDER GEISEL TO SAO PAULO HAS OBTAINED A REPUTATION FOR GOOD INTENTIONS, BUT THE CITY REMAINS BY VIRTUALLY ALL ACCOUNTS THE PRINCIPAL AREA OF ABUSE. THE COMMANDER OF THE OTHER MAIN AREA, THE NORTHEAST (RECIFE), IS NOT EVEN CONSIDERED WELL-INTENTIONED. THIS GEOGRAPHICAL VARIANCE IS REFLECTED IN THE FALCAO LIST, ACCORDING TO WHICH THE ONLY ADMITTED ARREST OCCURRING OUTSIDE SAO PAULO OR THE NORTH-EAST TOOK PLACE IN 1968.

6. RESISTANCE IN SOME PARTS OF THE LOWER LEVELS OF THE SECURITY APPARATUS DOES, THEN, APPEAR TO BE A PROBLEM, DESPITE THE HIGHLY CENTRALIZED NATURE OF THE GOVERNMENT.
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EXERTING THE KIND OF MUSCLE NECESSARY TO OVERCOME THIS RESISTANCE COULD IN EXTREMIS THREATEN THE UNITY OF THE SECURITY SERVICES AND, THEREBY, THE GOVERNMENT ITSELF. THE ISSUE IS WHETHER THE GEISEL ADMINISTRATION WILL BE ABLE TO RESOLVE THIS DILEMMA. RECENT SIGNS HAVE BEEN SOMEWHAT MIXED. FOR EXAMPLE, THE LATE JANUARY ANNOUNCEMENT BY MINISTER FALCAO OF THE DISCOVERY OF A CLANDESTINE PRESS PRINTING COMMUNIST PARTY MATERIAL AND LINKED TO UNNAMED CANDIDATES IN THE NOVEMBER ELECTIONS UNDOUBTEDLY SERVED AS A WARNING TO THE CONGRESS. ANOTHER INTERPRETATION (INSPIRED BY OFFICIAL SOURCES) CLAIMED,

HOWEVER, THAT IT SIGNALLED THE INCREASED "CIVILIZATION" OF THE HANDLING OF THE ANTI-SUBVERSION EFFORT (BRASILIA 944). BRASILIA 235 REPORTED SIGNS THAT GEISEL HAD STOOD UP TO MILITARY PRESSURES AGAINST RELAXATION AND SUCCESSFULLY MAINTAINED HIMSELF AS THE MAN IN CHARGE. ON A BROADER PLANE, THE ISSUE OF HUMAN RIGHTS ("MISSING PERSONS", ARBITRARY ARREST AND TORTURE) HAS NOW BEEN FULLY JOINED IN THE POLITICAL ARENA AND IN THE PRESS, NOW FREER OF CENSORSHIP RESTRAINTS. WHILE THE POLITICAL PROCESS HERE IS NOT WITHOUT ITS FLAWS, AND THE OUTCOME OF THE DEBATE IS NOT CERTAIN, THIS DEVELOPMENT CAN ONLY BE CONSIDERED A POSITIVE ONE.

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